

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Jonathan Kujak,

Plaintiff,

v.

14-cv-768 (JNE/SER)  
ORDER

Don Swanson,

Defendant.

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This case is before the Court on a Report and Recommendation from the Honorable Steven E. Rau, United States Magistrate Judge, who recommends that Plaintiff Jonathan Kujak's application for leave to proceed in forma pauperis be denied and that this action be summarily dismissed because the complaint fails to state a claim upon which relief may be granted. The Plaintiff did not object. Having conducted a de novo review of the record, *see* D.Minn. LR 72.2(b), the Court now adopts the Report and Recommendation.

In addition to the recommended disposition of this case, the Magistrate Judge also recommends that the Court enter an order restricting Kujak from filing any further actions in this District unless he is represented by counsel or obtains pre-authorization from a judge. The Magistrate Judge's recommendation of a filing injunction and the procedure for objecting to the Report and Recommendation afforded by the Local Rules provided Kujak with sufficient notice and opportunity to be heard on this issue. *See Cok v. Family Court of R.I.*, 985 F.2d 32, 35 (1st Cir. 1993).

A filing restriction on Kujak is warranted for the reasons explained by the Magistrate Judge in the Report and Recommendation. Nevertheless, it is appropriate to narrow the scope of the restriction to the copyright and trademark actions that Kujak has been repeatedly cautioned

against bringing. *See, e.g., Dixon v. Deutsche Bank Nat. Trust. Co.*, 360 Fed.Appx. 703, 704 (8th Cir. 2010) (citing *Cromer v. Kraft Foods North America, Inc.*, 390 F.3d 812, 817-19 (4th Cir. 2004) (“[E]ven if a . . . litigant’s abusive conduct merits a prefiling injunction, the judge must ensure that the injunction is narrowly tailored to fit the specific circumstances at issue.”) and *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 25 (2nd Cir. 1986) (injunction “which precludes [plaintiff] from instituting any action whatsoever . . . is overly broad”)).

Therefore, based on the files, records, and proceedings herein, and for the reasons discussed above, IT IS ORDERED THAT:

1. Plaintiff’s Application for Leave to Proceed In Forma Pauperis [ECF No. 2] is DENIED.
2. This action is SUMMARILY DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Jonathan Kujak is ENJOINED from filing any additional lawsuits in the District of Minnesota against any defendants based on or relating to alleged copyright or trademark infringement unless Kujak receives permission to file the proposed complaint from a judge in this District or the complaint is signed by a licensed attorney.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 20, 2014

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge